

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARIGNA TECHNOLOGY LIMITED

v.

VOLKSWAGEN AG, et al.

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Case No. 2:21-CV-00054-JRG-RSP

JOINT AGREED MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff Arigna Technology Limited and Defendants Volkswagen AG; Volkswagen Group of America, Inc.; Bayerische Motoren Werke AG; BMW of North America, LLC; Daimler AG; Mercedes-Benz USA, LLC; Nissan Motor Co., Ltd.; Nissan North America, Inc.; Tesla, Inc.; Tesla Motors TX, Inc.; Toyota Motor Corporation; Toyota Motor North America, Inc.; General Motors LLC; Continental AG; Conti Temic Microelectronic GmbH; and ADC Automotive Distance Control Systems GmbH jointly move to amend the Docket Control Order as follows:

The claim construction hearing in this matter was originally scheduled for November 10, 2021. [Dkt. 200]. It was re-set to December 17, 2021, and then re-set again to January 21, 2022. [Dkt. 388]. The Court Order regarding the latter also extended the deadlines for fact discovery, motions to compel, expert disclosures, and expert discovery for 30 days each. *Id.* Given the extension of discovery and expert deadlines, the parties believe good cause exists to amend the remaining deadlines in the DCO as follows:¹

	<u>Current Date</u>	<u>Proposed Date</u>
*Jury Selection – 9:00 a.m. in Marshall, Texas	May 23, 2022	Same
* If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly	April 25, 2022	Same

¹ Defendants contend the jury selection date will need to be extended as well but agree with Plaintiff to amend the dates as indicated at this stage of the case.

submitted to the Deputy Clerk in Charge by this date.		
*Pretrial Conference – 9:00 a.m. in Marshall, Texas before Judge Roy Payne	April 19, 2022	May 3, 2022
*Notify Court of Agreements Reached During Meet and Confer The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.	April 13, 2022	May 2, 2022
*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations	April 11, 2022	April 29, 2022
*File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shawn McRoberts, at shawn_mcroberts@txed.uscourts.gov .	April 4, 2022	Same
File Motions <i>in Limine</i> The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.	March 28, 2022	April 22, 2022
Serve Objections to Rebuttal Pretrial Disclosures	March 28, 2022	April 22, 2022
Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures	March 21, 2022	April 15, 2022
Serve Pretrial Disclosures (Witness List, Deposition Designations, and	March 7, 2022	April 1, 2022

Exhibit List) by the Party with the Burden of Proof		
*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.	February 28, 2022	March 28, 2022
*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.	February 14, 2022	March 14, 2022
*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>	February 14, 2022	March 14, 2022

A proposed Amended Docket Control Order is submitted herewith.

Dated: January 6, 2022

Respectfully submitted,

/s/ Tonya M. Gray

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for all parties have conferred and the relief sought herein is agreed to by all parties.

/s/ Tonya M. Gray

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document has been served on all counsel of record via electronic mail through Local Rule CV-5(a) on this 6th day of January, 2022.

/s/ Tonya M. Gray